

It means that Jefferson's Army expedition could travel all the way to the crest of the Rockies on American soil, no longer needing permission from the former French owners.

Mr. Anderson notes that Meriwether Lewis recorded in his journal that Wood River was "to be considered the point of departure" for the westward journey. This 28-year-old Army captain, who knew the President well from their previous residences near Charlottesville, VA, spent that winter selecting 45 men to begin the journey West. When they left Camp DuBois on May 14, 1804 and headed West, little did they know what the journey would hold. Their Corps of Discovery reached the Pacific Ocean over a year later, in November 1805, and began their journey back across the mountains, returning to St. Louis on September 23, 1806.

It goes without saying that this journey was among the most significant in our Nation's history. The Louisiana Purchase and opening of the West to new exploration and development paved the way for settlement of California, establishment of a greater American union and relocation of millions of Americans westward throughout the 20th century. And while Americans can identify F. Clatsop and other Lewis and Clark historic sites, many do not yet know about the Lewis and Clark Site No. 1, Camp DuBois, near Wood River, IL. That is the intention of this legislation.

I want to congratulate the dedicated individuals in my congressional district who have worked for years to build the Lewis and Clark memorial, which now stands at the confluence of the Mississippi and Missouri Rivers. In particular, Mr. George Arnold, who is president of the local Lewis and Clark Memorial Society, has dedicated many years of his life to the legacy of Lewis and Clark and the construction of both the memorial and an interpretive center to lay out the rich Illinois history of the Lewis and Clark expedition.

My legislation has the strong support of the Illinois congressional delegation, will call attention to this journey and seek to expedite efforts by local, State and Federal officials to build this interpretive center. The Congress has played an active role in this process; in fiscal year 1991, Congress appropriated \$115,000 for land acquisition adjacent to route 3, on the dry side of the flood levee; and in fiscal year 1993, Congress appropriated \$88,000 for a National Park Service study to determine who best to build and design the center. Both of these funds were appropriated under the 1972 Lewis and Clark National Historic Trail, which remains the authorizing legislation for the interpretive center as well.

Our next goal is to move forward with the interpretive center. State and local resources are in place to begin this process; it will be a 50-50 cost-share with the Federal Government. It is my strong hope that much of this local support will be in place in the spring of 1998, so that we can ask the National Park Service and the Congress to appropriate sufficient funds to begin construction of the Visitors Center.

I want to thank the local, State and Federal officials who are now ready to work with me not only on this commemorative legislation but also on the funding required to make the new center a reality. It will serve as a tribute to the

Illinois legacy of these great explorers, and enhance what the Nation understands about the sacrifice and heritage of Meriwether Lewis and William Clark's journey to the Pacific.

THE SUPERFUND RECYCLING EQUITY ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. TAUZIN.

Mr. Speaker, today I am introducing the Superfund Recycling Equity Act. This legislation addresses an unintended consequence of Superfund which has created a serious, negative impediment to our goal of increased recycling in our country.

The Superfund Recycling Equity Act is the product of negotiations between the Government, representatives of the environmental community, and the scrap recycling industry. The bill which I am introducing is the same as H.R. 820 of the 104th Congress with some modifications addressing the concerns of the paper industry. The original negotiating parties have agreed to these minor changes. I am pleased that once again, this legislation attracts incredible support from numerous members across the ideological spectrum.

The Superfund Recycling Equity Act aims to level the playing field between recyclable paper, glass, plastic, metals, textiles, and rubber and the competitive virgin materials where both the recyclable and virgin materials can be used as manufacturing feedstocks. Specifically, the bill relieves those who sell the recyclable materials from Superfund's liability regime if the recyclers meet specified conditions. These conditions ensure that sham recyclers are excluded from the bill's benefits. In order for legitimate recyclers to be relieved of Superfund liability, they must continue to prepare their product in an environmentally sound manner and sell their product to manufacturers who have environmentally responsible business practices.

The language added to the bill to accommodate the paper industry's concerns does three things. It clarifies the term "customary business practice," which previously was undefined. It specifies that the polychlorinated biphenyl [PCB] limits are concentration limits. Finally, if the EPA Administrator determines at some future date that recycled paper contains a hazardous substance heretofore unknown, recyclers would share with mill owner/operators any cleanup costs.

The need for this legislation occurs due to rulemaking and subsequent court interpretations of the rulemaking, not as a consequence of statutory law. The Resource Conservation and Recovery Act [RCRA] regulates the way in which solid wastes, both hazardous and nonhazardous, are handled. However, another important purpose of RCRA appears directly in its title: To conserve and to recover—recycle—scarce resources. While the RCRA statute states that solid wastes are discarded, or disposed of, when the RCRA rule defining solid waste was written, recyclables were included in the promulgated regulation as a subset of solid waste. From that moment forward, recyclables became, and remain, solid waste—not by Act of Congress—but by rulemaking. When Superfund was written, its liability section, section 107, tracked the RCRA rulemaking language and stated that those who dispose of hazardous substances are liable under Superfund's liability scheme.

Despite the intent of public policy, whenever a recycler processes traditional recyclable materials and sells them to mills as feedstocks, or raw materials, for the manufacturing process, be it paper, glass, plastic, metals, textiles, or rubber, they are not selling a product—but rather, under regulatory law—they are disposing of solid waste. Even though such substances are inert and harmless in the solid form, if the recycler sells material to mills that contain hazardous substances, which then contaminate the environment solely because of the activity of the mill's owner/operator, under current legal interpretations recyclers can be required to clean up all, or a portion, of that third party contaminated site. Perhaps you are thinking, I've heard this before, everybody caught in Superfund always says, I didn't pollute anything, and always points to the other guy who did it. Then consider this question. If a supplier of hazardous virgin material used as manufacturing feedstock, for example nickel or chromium, sold it to a mill which then creates a Superfund site, what portion of the cleanup is assigned to the supplier of the virgin material?

The answer is none, not one penny. Neither the mill's owner/operator, nor the government can seek cleanup costs from suppliers of virgin materials. Why? Because legal interpretations consider virgin materials to be products, not wastes. One does not dispose of a product. But, one discards, or disposes, of waste. If the waste contains a hazardous substance found at the site, the person who shipped the waste to the site and the owner/operator, if one still exists, are required to pay the cost of cleanup.

My bill does not relieve the recycler of liability for contamination related to the recycler's disposing of wastes off-site. My bill deals only with Superfund liability arising from the sale of recyclable material to a third party site which is contaminated by that third party.

Let's review this. A recycler and a virgin material supplier each provide their product to a stainless steel mill, for example. Old, damaged, or obsolete stainless steel knives, forks, and spoons are sold to the mill by recyclers. Stainless steel is steel alloyed with nickel and chromium. Virgin material suppliers sell iron ore, chromium, a hazardous substance, and nickel, a hazardous substance, to the same mill. The mill creates a Superfund site where chromium and nickel are found. The mill operator, and/or the government, can and do seek out recyclers to help pay the cost of cleaning up the site. Yet neither the owner/operator nor the government can seek contributions for cleanup from the virgin material suppliers of the nickel and chromium.

Clearly, this doesn't make sense. More importantly it stifles recycling activities in our country. If we are serious about recycling, and I believe that the public and their public officials are serious about it, then we must correct the anomaly.

While I strongly believe that the existing inequities need to be corrected, I remain committed to the swift passage of comprehensive Superfund reform. The recyclers' concerns are one of many problems which due to the current liability system and remedy selection process have prevented Superfund from accomplishing more. I look forward to working with the subcommittee chairman, Mr. OXLEY, and the Commerce Committee chairman, Mr. BILEY, to ensure that a more rapid cleanup of NPL sites begins this Congress.

Please join me in cosponsoring the Superfund Recycling Equity Act and encouraging comprehensive reform during the 105th Congress.